Federal Defenders
OF NEW YORK, INC.

52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director
and Attorney-in-Chief

Appeals Bureau
Barry D. Leiwant
Attorney-in-Charge

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/20/12

December 20, 2012

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe, U.S.D.J.

Dated: Dec 20, 2012

Via Facsimile
The Honorable Paul G. Gardephe
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Gilberto Valle, 12 CR 847

Dear Judge Gardephe:

Defendant's pretrial motions are currently scheduled to be filed by tomorrow, December 21, 2012. We write to seek an adjournment until December 31, 2012.

There are two reasons for my request. First, the government still has not completed producing discovery and the defense wants to review all of the discovery before filing pre-trial motions. On November 19, 2012, the government represented that discovery would be complete by December 3, 2012. However, more than a month later we still are awaiting materials. Since the previous schedule was set based on the government's inaccurate timeline, we ask for an adjourned schedule.

Second, we anticipate that a bulk of our pretrial motions will relate to discovery disputes. The defense is trying to resolve these discovery disputes with the government before seeking the Court's intervention. The additional time will permit the parties time to discuss (and hopefully resolve) the issues. That that end, we have sent two letters to the government - a Brady request dated December 17, 2012 and a request for a bill of particulars dated December 19, 2012. We await the government's response.

For these reasons, we ask that the Court adjourn the current pretrial motion schedule.

Respectfully submitted,

Julia L. Gatto
Assistant Federal Defender
(212) 417-8750

cc: AUSA Hadassa Waxman (via email)